



PATENT
Docket No. P-5055D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): T.R. Hansen et al.

SERIAL NO.: 09/960,431

ART UNIT: 1743

FILING DATE: September 21, 2001

EXAMINER: J. Ludlow

TITLE: SYSTEM AND METHOD FOR MANIPULATING MAGNETIC PARTICLES IN FLUID SAMPLES TO COLLECT DNA OR RNA FROM A SAMPLE

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231

On: *3-5-04*
By: Donna M. Baumann

Donna M. Baumann 3-5-04
(signature) (date)

TERMINAL DISCLAIMER

Sir:

Petitioner, Becton, Dickinson and Company, is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer, of a patent which may issue from US Application No. 10/269,903. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and a patent issuing from US Application No. 10/269,903 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer, of a patent which may issue from US Application No. 10/269,903, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any

09960431

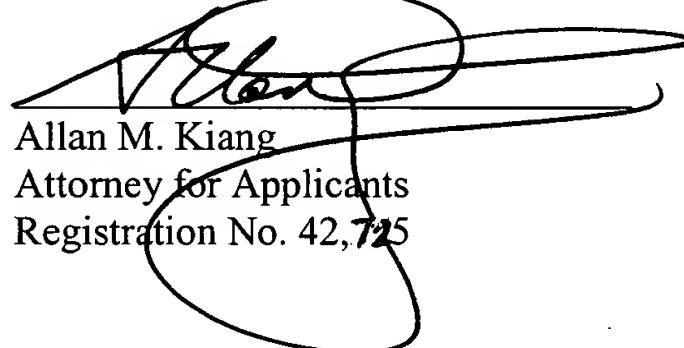
03/10/2004 WABDEL11 00000091 021666
01 FC:1814 110.00 DA

manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record in the subject patent application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge the fee of \$110.00 required by 37 CFR §1.20(d) for filing this Terminal Disclaimer to Deposit Account No. 02-1666. Triplicate copies of this sheet are enclosed. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-1666.



Allan M. Kiang
Attorney for Applicants
Registration No. 42,725

February 23, 2004

Becton, Dickinson and Company
1 Becton Drive MC089
Franklin Lakes, NJ 07417
201-847-7111

doc#72738